

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

IN THE MATTER OF THE SEARCH OF
THE CELLULAR TELEPHONE
ASSIGNED CALL NUMBER 781-690-9895
SERVICED BY AT&T

Case No. 24-mj-19-01-AJ

Filed Under Seal

MOTION TO PRECLUDE NOTICE

The United States of America requests that the Court, pursuant to 18 U.S.C. § 2705(b) direct AT&T not to notify the subscriber or any other person regarding the existence of the warrant in the above-captioned matter until February 7, 2025, or upon notice by the government within 30 days of the conclusion of its investigation, whichever is earlier, unless the Court extends such period under 18 U.S.C. § 2705(b).

AT & T is a provider of an electronic communication service, as defined in 18 U.S.C. § 2510(15), and/or a remote computing service, as defined in 18 U.S.C. § 2711(2). Pursuant to 18 U.S.C. § 2703, the United States obtained the attached search warrant which requires AT & T to disclose certain records and information to the United States. This Court has authority under 18 U.S.C. § 2705(b) to issue “an order commanding a provider of electronic communications service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order.” *Id.*

In this case, such an order would be appropriate because the attached search warrant relates to locating the subject of a federal arrest warrant that is neither public nor known to the target. Accordingly, there is reason to believe that notification of the existence of the attached search warrant will seriously jeopardize law enforcement’s efforts to locate the target, including

by giving the target an opportunity to flee or, destroy or tamper with evidence, change patterns of behavior, intimidate potential witnesses, or endanger the life or physical safety of an individual.

See 18 U.S.C. § 2705(b).

WHEREFORE, it is respectfully requested that the Court grant the attached Order directing AT & T not to disclose the existence of the warrant or the application except to the extent necessary to carry out the Order until February 7, 2025 or upon notice by the government within 30 days of the conclusion of its investigation, whichever is earlier, unless the Court extends such period under 18 U.S.C. § 2705(b).

Respectfully submitted,

JANE E. YOUNG
United States Attorney

By: /s/ Heather A. Cherniske
Heather A. Cherniske
Assistant U.S. Attorney
U.S. Attorney's Office
53 Pleasant Street
Concord, NH 03301
(603) 225-1552

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